

SENATE JUDICIARY COMMITTEE AMENDMENT by Cohen

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1547 House Bill No. 1487

by deleting SECTION 9 in its entirety and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 8-42-101, is amended by deleting subsection (3)(A) in its entirety and by substituting instead the following:

(3)(A) "State employee" means any person who is a state official, including members of the general assembly and legislative officials elected by the general assembly, or any person who is employed in the service of and whose compensation is payable by the state, or any person who is employed by the state whose compensation is paid in whole or in part from federal funds, but does not include any person employed on a contractual or percentage basis; except, however, "state employee" includes a foster parent under a contract with the state of Tennessee to provide foster home care for children in the care and custody of the state and within the confines of the foster parent-child relationship; notwithstanding any statute to the contrary, for the purposes of provision of legal representation "state employee" also includes employees of community health agencies, and for purposes of §§ 9-8-112 and 9-8-307, including but not limited to § 9-8-307(a)(1)(k), "state employee" also includes employees of community health agencies;

SECTION 10. Tennessee Code Annotated, Section 8-42-101, is further amended by deleting subsection (3)(B) in its entirety and by substituting instead the following:

3(B) "State employee" also includes any person designated by a department or agency head as a participant in a volunteer program authorized by the department or agency head. "State employee" also includes community health agency volunteers designated by the

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commissioner of the department of health; provided, that designated volunteers who are medical professionals providing direct health care pursuant to title 68, chapter 2, part 1100 shall be considered state employees solely for the category of "professional malpractice" pursuant to § 9-8-307. Volunteers shall not be eligible for workers' compensation benefits from the state of Tennessee. It is the duty of each agency and department to register with the board of claims the names of all persons participating in a volunteer program authorized by such department or agency head. If an agency or department head fails to register the name of a volunteer with the board of claims, any amounts paid by the state pursuant to this chapter or title 9, chapter 8 as a result of the volunteer's actions shall be funded through the agency's or department's budget. The commissioner of finance and administration is authorized to promulgate rules and regulations to determine who is qualified to be designated as a volunteer. Such rules and regulations may set forth the criteria for qualification of participants in volunteer programs. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

SECTION 11. Sections 9 and 10 of this act shall take effect upon becoming a law, the public welfare requiring. The remaining sections of this act shall take effect on July 1, 1995, the public welfare requiring it.